

REMARKS

Reconsideration of the application in light of the amendments and the following remarks is respectfully requested.

I. Status of the Claims

Upon entry of this amendment, claims 1, 6, 14, 16 and 18 are pending in this application. Claims 2-5, 7-8 and 19 have been canceled without prejudice or disclaimer. Claim 1 has been amended to incorporate the limitations of dependent claim 5, and to delete the proviso excluding certain compounds. Additionally, claim 1 has been amended to include a pyrimidine moiety as the center ring, instead of the phenyl ring. Support for this amendment can be found throughout the specification, as all the compounds disclosed in the specification and in the dependent claims are pyrimidinyl compounds. Specific support for the amendment can be found at least at p. 4 and p. 6 of the application, as filed. Claim 6 has been amended to depend from claim 1, rather than claim 5. Support for this amendment can be found in the claims, as originally filed.

No new matter has been added by this amendment.

II. Obviousness Rejection

Claims 1-4, 7-8 and 19 are rejected under 35 U.S.C. §103(a) as obvious over WO 02/47690. As claims 2-4, 7-8 and 19 have been canceled, and claim 1 has been amended to incorporate all of the limitations of claim 5, this rejection is now moot.

III. Indefiniteness Rejection

Claims 1-4, 14, 16 and 18-19 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 1 has been amended to call for a pyrimidine moiety as the center ring, rather than the phenyl ring. Support for this amendment can be found throughout the specification (*e.g.*, p. 4 and 6 of the application, as filed), as all the compounds disclosed in the specification and in the dependent claims are pyrimidinyl compounds. Accordingly, Applicants request withdrawal of the obviousness rejection and reconsideration of the claims.

IV. Allowable Subject Matter

The Examiner indicates that claims 5-6, 14, 16 and 18 would be allowable if rewritten to overcome the indefiniteness rejection, and to include all of the limitations of the base claim and any intervening claims. Applicants have amended claim 1 to overcome the indefiniteness rejection, and have also amended claim 1 to incorporate the limitations of claim 5. Claim 6 has been amended to depend from claim 1, rather than claim 5. As claim 1 now calls for the subject matter of previously pending claim 5, no new matter has been added by this amendment. Additionally, because claim 1 has been rewritten to include the limitations of claim 5, the obviousness rejection of claim 1 is now moot. Accordingly, Applicants contend that claims 1, 6, 14, 16 and 18 are in condition for allowance.

CONCLUSION

Based on the above arguments, claims 1, 6, 14, 16 and 18 are believed to be in condition for allowance, and such action is earnestly solicited. If there are any remaining issues that the Examiner believes could be addressed by conducting an interview or entering an Examiner's Amendment, the Examiner is cordially invited to contact the undersigned agent at the number below to discuss such issues.

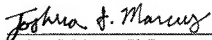
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